UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIFFANY HSUEH,

Plaintiff,

-against-

THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES a/k/a THE DEPARTMENT OF FINANCIAL SERVICES and ABRAHAM GUEVARA, *Individually*,

Defendants.

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Case No. 15-cv-03401 (PAC)

DECLARATION OF PLAINTIFF TIFFANY HSUEH IN OPPOSITION TO DFS'S MOTION FOR SPOLIATION SANCTIONS

Plaintiff, Tiffany Hsueh, declares, under penalty of perjury, that the following is true and correct:

1. I have come to learn that I should not have deleted the recording of my meeting with Allison Clavery. However, after I made the recording, I began worrying about whether it was legal to record someone without their permission, so I deleted the recording, which was hard for me to hear clearly in any event.

2. I did not make the recording with the intention of bringing a lawsuit against my employer. I made the recording primarily to protect myself from retaliation after hearing rumors that I was at fault for Abraham Guevara's sexual harassment.

3. Although I assumed that the deleted recording could not be recovered, after looking for it myself unsuccessfully, I asked my husband to help as a last resort.

4. My husband, who works in the field of information technology, was able to find a copy of the recording of my meeting with Ms. Clavery.

5. The copy of the recording my husband found is a complete copy of the recording I made. I have not altered it in any way.

Dated: New York, New York
December 12, 2016

[signature]
Tiffany Hsueh